

APPLICANT(S): THOMSEN, Ruth et al.

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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 6-10 are pending in the application and have been rejected.

Claims 6, 7 and 10 have been amended herein. Applicants respectfully assert that the amendments to the claims add no new matter.

Claims 8-9 have been canceled herein without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejection

In the Office Action, the Examiner rejected claims 6-10 under 35 U.S.C. § 101 because claims 6 and 8 include limitations related to non-statutory subject matter in that they recite that an assassin bug is positioned within a receptacle.

Applicants note that the subject matter of claims 6 and 8 is not directed to an “animal” within the meaning of Manual of Patent Examining Procedure § 2105 and 35 U.S.C. § 101. Furthermore, independent claim 6 has been amended herein to clarify that claims 6 and 8 do not recite a living animal or organism as a limitation thereof. Applicants note that the term “assassin bugs” recited in claims 6 and 8 do not require such an animal (assassin bugs) itself. Instead, claims 6 and 8 claim a device for carrying out the minimally invasive withdrawal of blood from an animal by using blood-sucking assassin bugs. In claims 6 and 8, the assassin bugs are merely a means for the minimally invasive withdrawal of blood from animals within the device, and the recitation of the assassin bugs is merely to describe the use of the device.

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Accordingly, Applicants respectfully request that the rejection of claims 6, 7 and 10 under 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 6 and 7 under 35 U.S.C. § 102(b), as being anticipated by Carlson et al. (U.S. Patent No. 5,464,360). Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicants note that independent claim 6 has been amended to incorporate the limitations of dependent claim 8, which was not rejected by the Examiner under 35 U.S.C. § 102(b). Accordingly, amended independent claim 6, which now contains the limitations of claim 8, now canceled, is now not anticipated by Carlson et al. Claim 7, which incorporates the limitations of amended independent claim 6 and has also been amended to more clearly recite and distinctly claim the subject matter of the invention, is also now not anticipated by Carlson et al.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 6-7.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a), as being unpatentable over Carlson et al. in view of Geier et al. (U.S. Patent Application Publication No. 2007/0039236). Claim 9 has been canceled herein, and this rejection is now moot.

The Examiner also rejected claim 10 under 35 U.S.C. § 103(a), as being unpatentable over Carlson et al. in view of Septer (U.S. Patent No. 6,226,919). Applicants respectfully traverse the rejection of claims Carlson et al. in view of Geier et al. and in view of Septer. Applicants note that claim 10 depends from independent claim 6, which has been amended to incorporate the limitations of claim 8, which was not rejected by the Examiner under 35 U.S.C. § 103(a). Accordingly, dependent claim 10, which incorporates the limitations of amended independent claim 6 and of claim 8, now canceled, and has also been amended to more clearly recite and distinctly claim the subject matter of the invention, is now not obvious over Carlson et al. in view of Septer.

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Applicants respectfully request reconsideration and withdrawal of the rejection of claim 10.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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